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andy@coombsp.com  
2 Annie S. Wang (SBN 243027)  
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3 J. Andrew Coombs, A P. C.  
517 E. Wilson Avenue, Suite 202  
4 Glendale, California 91206  
Telephone: (818) 500-3200  
5 Facsimile: (818) 500-3201

6 Attorneys for Plaintiff SKF USA Inc.

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10	SKF USA Inc.,	)	Case No. CV 08-4129 SVW (FFMx)
11		)	
12	v.	)	PLAINTIFF SKF USA INC.'S MOTION
13	Alliance Bearing Industries, Inc. et al.,	)	IN LIMINE #5 TO EXCLUDE
14	Defendants.	)	TESTIMONY THAT THE BEARINGS
15		)	WERE NOT COUNTERFEIT
16		)	THROUGH DEFENDANT'S NAMED
17		)	EXPERT EMANUEL V. BRANZAI;
		)	DECLARATION AND EXHIBITS IN
		)	SUPPORT
		)	
		)	Date: April 27, 2009
		)	Time: 3:30 p.m.
		)	Court: Hon. Stephen V. Wilson

18 TO THE COURT AND TO DEFENDANT:

19 PLEASE TAKE NOTICE that on April 27, 2009, at 3:30 p.m., or as soon  
20 thereafter as the matter may be heard in the Courtroom of the Hon. Stephen V.  
21 Wilson, United States District Judge, located at Courtroom 6 of the United States  
22 District Court, 312 N. Spring Street, Los Angeles, California 90012, Plaintiff SKF  
23 USA Inc. ("SKF" or "Plaintiff") will and hereby does move for an order, in limine,  
24 precluding Defendant Alliance Bearing Industries Inc. ("Defendant" or "Alliance")  
25 from offering at trial any and all evidence or testimony that the bearings in question  
26 were not counterfeit, particularly through its named "Expert" Emanuel V. Branzai.

1           This motion based on this Notice, the Memorandum of Points and Authorities  
2 filed concurrently herewith and further additional material as may be presented at or  
3 before the hearing.

4  
5 DATED: April 6, 2009

J. Andrew Coombs, A Professional Corp.

6  
7 By:           /s/ J. Andrew Coombs            
8       J. Andrew Coombs  
9       Annie S. Wang  
10       Attorneys for Plaintiff SKF USA Inc.

## **Introduction**

A motion in limine is “any motion whether made before or during trial to exclude anticipated prejudicial evidence before the evidence is actually offered.” Luce v. United States, 469 U.S. 38, 40 (1984). Obtaining a discretionary advance ruling on the admission of specific evidence or resolving critical evidentiary issues at the outset enhances the efficiency of the trial process. In re Japanese Electronic Products Antitrust Litig., 723 F.2d 238, 260 (3d Cir. 1983), rev’d on other grounds, 475 U.S. 574 (1986). Authority is also implied from “the district court’s inherent authority to manage the course of trials.” Luce, 469 U.S. at 41 n.4; United States v. Holmquist, 36 F.3d 154, 163 (1st Cir. 1994).

Plaintiff SKF USA Inc. (“SKF” or “Plaintiff”), moves for an order, in limine, precluding Defendant Alliance Bearing Industries Inc. (“Defendant”), from offering in evidence testimony or other evidence that the bearings were not counterfeit, particularly from its named “Expert” Emanuel V. Branzai on the grounds that no conclusions about the product at issue have been made by Defendant’s “Expert,” or anyone else, and his testimony would be speculative, otherwise confusing and a waste of time under Fed. R. Evid. 403.

### **I. The Court Should Exclude Evidence and Testimony that the Bearings Were Not Counterfeit Because Defendant’s Named Expert Has Made No Conclusions.**

#### **A. The Testimony is Inadmissible for Lack of Relevance According to Defendant’s Deficient Expert Disclosure and Report.**

The basic question all admissible evidence must sufficiently answer is one of relevance. Fed. R. Evid. 401. The evidence must make the existence of any fact of consequence more probable or less probable than it would be without the evidence. Id. Defendant’s named “Expert” did not make any conclusions about the products at issue in the case. Declaration of J. Andrew Coombs (“Coombs Decl.”) at ¶¶ 2-4.

1 Therefore, he can not have anything to add to the case on the issue of the  
2 genuineness of the goods based upon what has been disclosed by Defendant's often  
3 unsigned disclosures. Id. Defendant's named "Expert" has never made any  
4 statements that the products at issue are legitimate or authentic SKF products  
5 contrary to SKF's determination. Id. Thus, the testimony of Defendant's named  
6 "Expert" does not meet the threshold standard of relevance and the evidence should  
7 be excluded as a waste of resources for all involved.

8 **B. The Testimony is Inadmissible Because it is Insufficient As A**  
9 **Matter of Law to Support The Defense that the Goods Were Not**  
10 **Counterfeit.**

11 Even though the standard to allow a Defendant to present its theory of the case  
12 generous, a trial court may preclude a defense theory where "the evidence, as  
13 described in the defendant's offer of proof, is insufficient as a matter of law to  
14 support the proffered defense." U.S. v. Dorrell, 758 F.2d 427, 430 (9<sup>th</sup> Cir. 1985).  
15 Based upon the expert reports and disclosures that were provided, no where does the  
16 named "Expert" say that the products at issue were genuine. The "Expert" makes no  
17 conclusions whatsoever. No where in the record is there evidentiary support offered  
18 by Defendant for this defense. As a matter of law, his testimony can not be said to  
19 result in any conclusions that are of consequence to whether the bearings are real or  
20 not and this theory and his testimony should all be excluded.

21 **II. Fed. R. Evid. 403 was Designed to Exclude This Evidence that is**  
22 **Unfairly Prejudicial, Confusing, Misleading, and a Waste of Time.**

23 Any testimony by Defendant's named "Expert" should be excluded because  
24 the only purpose of this testimony is to improperly prejudice and confuse the jury at  
25 SKF's expense. This is not permissible. "Although relevant, evidence may be  
26 excluded if its probative value is substantially outweighed by the danger of unfair  
27 prejudice, confusion of issues, or misleading the jury." Fed. R. Evid. 403. If  
28

1 Defendant were allowed to offer testimony from this “Expert,” and it is unclear as to  
2 what matters this “Expert” would even be qualified to testify, the jury may give  
3 undue weight to the testimony because the “Expert” is being referred to as an  
4 “expert”. Such testimony would not have any probative value because the testimony  
5 would not be material or relevant to any element of trademark infringement or to any  
6 of Defendant’s defenses because it does not make any relevant fact more or less  
7 likely. Plaintiff has also not been given an opportunity to review the findings of this  
8 “Expert” because there do not appear to be any findings. Because the scant  
9 probative value of this evidence is outweighed by its prejudicial and misleading  
10 effect, the Court should exclude this testimony under Fed. R. Evid. 403.

### 11 Conclusion

12 SKF respectfully requests that the Court grant its motion in limine to exclude  
13 any testimony by Defendant’s named “Expert” Emanuel V. Branzai because this  
14 testimony is irrelevant and its probative value is substantially outweighed by its  
15 prejudicial effect.

16  
17 DATED: April 6, 2009

J. Andrew Coombs, A Professional Corp.

18 By: /s/ J. Andrew Coombs

J. Andrew Coombs

19 Annie S. Wang

Attorneys for Plaintiff SKF USA Inc.

**DECLARATION OF J. ANDREW COOMBS**

I, J. ANDREW COOMBS, declare as follows:

1. I am an attorney at law, duly admitted to practice before the Courts of the State of California and the United States District Court for the Central District of California. I am an attorney for Plaintiff SKF USA Inc. ("SKF" or "Plaintiff") in an action styled SKF USA Inc. v. Alliance Bearing Industries, Inc. I make this Declaration in support of SKF's Motion in Limine to Exclude All Testimony of Defendant's Named Expert Emanuel V. Branzai. Except as otherwise expressly stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify as follows.

2. Attached Exhibit A is a true and accurate copy of "Defendant Alliance Bearing Industries, Inc.'s Initial Disclosure of Expert Witness Information" served on or about December 15, 2008, that did not include any signed report by Mr. Branzai.

3. Attached Exhibit B is a true and accurate copy of the "Expert Report of Emanuel Branzai" attached to Defendant's Opposition to SKF's Motion for Preliminary Injunction filed on or about January 12, 2009, and SKF's Objections to the same filed on or about January 20, 2009.

4. Attached Exhibit C is a true and accurate copy of the unsigned "Amended Expert Report of Emanuel Branzai" served on or about February 23, 2009.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6<sup>th</sup> day of April, 2009, in Glendale, California.

/s/ J. Andrew Coombs

J. ANDREW COOMBS

# **EXHIBIT A**

Christopher D. Johnson, SBN: 222698  
Christopher Q. Pham, SBN: 206697  
JOHNSON & PHAM, LLP  
6355 Topanga Canyon Boulevard, Suite 115  
Woodland Hills, California 91367  
Telephone: (818) 888-7540  
Facsimile: (818) 888-7544  
Email: cpham@johnsonpham.com

Attorneys for Defendants  
ALLIANCE BEARING INDUSTRIES, INC.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SKF USA, Inc.,

Plaintiff,

vs.

ALLIANCE BEARING INDUSTRIES,  
INC., and Does 1-10, inclusive,

Defendants.

CASE NO. CV08- 04129 SVW (FFMx)

**DEFENDANT ALLIANCE BEARING  
INDUSTRIES, INC.'S INITIAL  
DISCLOSURE OF EXPERT WITNESS  
INFORMATION**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**DEFENDANT'S EXPERT DISCLOSURES**

Defendant Alliance Bearings Industries, Inc. makes these Expert Disclosures as required  
by Federal Rule of Civil Procedure 26(a)(2) as follows:

**A. Identity of Experts**

The following persons may be used at trial to present evidence under *Federal Rule of  
Evidence* 702, 703 or 705:

1. Jeff Heller, Alliance Bearings Industries, Inc.

c/o Johnson & Pham, LLP, 6355 Topanga Canyon Boulevard, Suite 115,

Woodland Hills, California 91367;



2. Glenn Heller, Alliance Bearings Industries, Inc.  
c/o Johnson & Pham, LLP, 6355 Topanga Canyon Boulevard, Suite 115,  
Woodland Hills, California 91367

3. Lee Pederson, Alliance Bearings Industries, Inc.  
c/o Johnson & Pham, LLP, 6355 Topanga Canyon Boulevard, Suite 115,  
Woodland Hills, California 91367

All persons designated above may be contacted through Defendant's counsel of record.  
The identified persons have knowledge of the business and operations of Defendant.

**B. Retained or Specially Employed Experts**

The following person has been retained or specially employed to provide expert testimony:

1. Emanuel V. Branzai  
Branzai & Associates  
5457 Mead Drive  
Buena Park, California 90621

A copy of Mr. Branzai's Curriculum Vitae is annexed hereto as Exhibit "A." A copy of Mr. Branzai's deposition and trial testimony fees is attached as Exhibit "B." Mr. Branzai shall offer expert opinion and testify as to the following issues:

1. The technical quality and specifications relating to basic load ratings, fatigue load limit, speed ratings, mass, angle ring, abutment and fillet dimensions, designations, shaft diameter, basic size, fillet radius, lubrication, material composition, steel composition, and/or Rockwell ratings of SKF bearings;
2. The technical quality and specifications relating to basic load ratings, fatigue load limit, speed ratings, mass, angle ring, abutment and fillet dimensions, designations, shaft diameter, basic size, fillet radius, lubrication, material composition, steel composition, packaging features, and/or Rockwell ratings of SKF bearings sold by Defendant and in its possession and custody;

3. Distinguishing and unique features, if any, in the quality and specifications of SKF bearings;
4. Authorized, non authorized, gray market, and surplus distributors of SKF bearings;
5. Reasonable similarities and differences, if any, among authorized, non authorized, gray market, surplus, and Defendant's bearings relating to SKF; and
6. The likelihood of confusion, if any, among authorized, non authorized, gray market, surplus, and Defendant's bearings relating to SKF.

Defendant expressly reserve the right to supplement this disclosure upon receipt of all outstanding disclosures, responses, and documents requested from Plaintiff.

Dated: December 15, 2008

**JOHNSON & PHAM, LLP**

By: \_\_\_\_\_

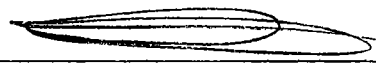
  
Christopher Q. Pham, Esq.  
Attorney for Defendant  
ALLIANCE BEARING INDUSTRIES, INC.

Exhibit A

## CURRICULUM VITAE

Emanuel V. Branzai

### Professional Experience:

- 12 Years with rolling element bearing reverse engineering for Federal Aviation Administration (FAA) Part Manufacturer Approval (PMA) process. Performed data collection and produced over 50 bearing specification drawings and complete conformity tests for FAA approval.
- 18 Years with developing specifications and procedures addressing quality control, testing (dimensional, geometrical, finish, fit-up, hardness, etc.), material, manufacturing, heat treating, non-destructive testing, cleaning, lubrication/preservation, marking, and packaging. Among them, an Engineering Standard Specifications for ball and roller bearings and a written material for a teaching class for bearing continue time inspection (Level I Repair) for rolling element bearings used in aerospace applications.
- 15 Years with "Bearing Failure Analysis" for aerospace and general industry bearings, Forensic Investigation, and Expert Witness for legal litigations.
- 18 Years with special bearing dimensional and geometrical measurements for establishing bearing quality and performance.
- 11 Years with FAA Designated Engineering Representative (DER) repair packages for aircraft bearing refurbishment/overhaul.
- 16 Years with developing the roller and cages reverse engineering and designs used for aircraft bearing overhaul process.
- 21 Years with bearing refurbishment/overhaul.

### Publications:

"EFFECT OF ROLLING BEARING REFURBISHMENT AND RESTORATION ON BEARING LIFE AND RELIABILITY", a NASA and STLE Technical Paper coauthored with Erwin V. Zaretsky with National Aeronautics and Space Administration (NASA), Glenn Research Center. NASA/TM-2550-212966; STLE Tribology Transactions, 48:32-44, 2005, ISSN 0569-8197.

"MODEL SPECIFICATION FOR REWORK OF AIRCRAFT ENGINE, POWER TRANSMISSION, AND ACCESSORY/AUXILIARY BALL AND ROLLER BEARINGS" a NASA Technical Paper coauthored with Erwin V. Zaretsky, with NASA, Glenn Research Center; NASA/TP-2007-214463.

### Professional Societies:

STLE – Society of Tribology and Lubrication Engineering: Member.

ASTM – American Society for Testing and Materials: Active Member of Rolling Element Bearings - F34 Technical Committee.

SAE – Society of Automotive Engineers, Member.

SPE – Society of Precision Engineering, Member.

**Special Training Courses:**

UNIVERSITY OF WISCONSIN-MILWAUKEE -Rolling Element Bearing Technology – Theory and Practice, 1995.

CAL STATE UNIVERSITY OF FULLERTON – Finite Element Analysis, Model Analysis, 1999

NATIONAL INSTRUMENTS – LabVIEW Advanced Certificate of Training, 1996 (Data Acquisition Program Language).

**Education:**

PLYTECHNIC INSTITUTE, Bucharest – Romania.

Bachelor of Science in Electrical Engineering, June 1976.

**Experience:**

1995 To Present

BRANZAI & ASSOCIATES –Engineering Consulting.

5457 Mead Drive

Buena Park, CA 90621

Ball and roller bearing (including double-row spherical roller) reverse engineering for FAA PMA (Part Manufacturing Approval) Design.

Performing bearing condition/failure analysis for aircraft (engines, frame, and instrument ball and roller bearings) and general industry bearings (air conditioning compressor, electric motors, pumps, variable frequency electric motors, automobile, human implantable artificial hart, etc.).

Also, performed Forensic Investigation and acted as an Expert Witness for legal litigations.

September 1986 to Present

TIMKEN - BEARING INSPECTION – Engineering Manager.

4422 Corporate Center Drive

Los Alamitos, CA 90720

Work includes:

- Managing engineering activities for developing FAA-DER (Federal Aviation Administration - Designated Engineering Representative) repair packages for aircraft engine bearings (main line, accessory, instrument, and airframe). Developed the documents needed for FAA approval: Engineering Standard Specification, Standard Practice Manual, and Procedures Manual.
- Design and Set-up bearing continued time inspection (Level I Repair) facility: specific and detailed bearing inspection procedures and criteria, equipment layout, mechanical, electrical, safety and environmental related issues (production flow and floor plan with equipment positioning and power requirements for manufacturing facilities). Developed a training manual for continue time inspection and lecture two-day training classes.
- Technical customer service support for bearing inspection and overhaul. Responsible for special engineering jobs designed to attest bearing quality according to ABMA (American Bearing Manufacturers Association) requirements. Improved design and provide training for the use of the BA-96-I Bearing Analyzer, an important equipment used for measurement of “Structure Born Vibration” (Noise) produced by an individual (not installed) bearing.

- Managing activities of four engineers, two technicians, and two machine shop professionals. Coordinating the production needs for tool design and special engineering jobs. Direct contribution for design of tools and fixtures needed in production and jigs and stands for special engineering jobs related to bearing testing including bearing life testing.
- Design and manufacturing coordination for special gauges (e.g. Radial Play, Axial Play, Contact Angle, Flushness) and gigs and fixtures for bearing raceways honing and bearing visual, dimensional, an fit-up inspection.

3pagecv5-02/16/2008

Exhibit B

## ***Branzai & Associates***

### **ENGINEERING CONSULTING**

5457 Mead Drive • Buena Park, CA 90621 • TEL/FAX (714) 670-7298 • Cellular (714) 290-2706

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### **CHARGES, LIABILITY, AND TERMS AND CONDITION**

#### **CHARGES**

Client agrees to pay Consultant Emanuel V. Branzai at the rate of \$200 per hour portal-to-portal for all work performed except deposition and trial, which shall be billed at the rate of \$225 per hour portal-to-portal. Rates are subject to change on a calendar year basis without other notice. The following additional expenses will also be billed. The Client is responsible for paying all fees of the Consultant related to the engagement. This shall include activities in response to discovery efforts by other parties. Consultant reserves the right to bill lost or wasted time in the event of a cancellation, whether the cancellation is caused by the Client or the opposing side.

#### **TRAVEL EXPENSES**

Additional expenses are billed for travel, laboratory testing, etc. Travel by car is billed at \$0.41 per mile in addition to driving time. Other expenses such as airfare, lodging, and car rental are to be reimbursed at cost plus 15 percent. Trips requiring overnight stays will be billed for time spent on the case between 8:00 AM and 5:00 PM or such greater time as is actually worked and traveled.

#### **EVIDENCE STORAGE**

Evidence storage is billed at \$11.00 per cubic foot per month with a 1.5 cubic foot minimum and a \$200 per month maximum.

#### **LIABILITY**

The Client shall defend, indemnify and hold harmless the Consultant, its agents, employees and subconsultants from and against any and all liability, including but not limited to defense costs, resulting from injury to or death of any person or damage to any property including but not limited to, loss of use thereof, or any other damages or loss, arising out of or alleged to arise out of or in any way connected with the activities carried out pursuant to this contract excepting only such claims or losses arising out of the sole negligence or willful misconduct of the party seeking indemnification hereunder. The Client shall, upon the Consultant's request, defend any action, claim, suit, arbitration or other proceeding asserting a claim covered by this indemnity. Client shall pay all costs that may be incurred by the Consultant, its agent, employees and subconsultants in enforcing this indemnity including reasonable attorney's fees.

#### **TERMS AND CONDITIONS**

Payment is due from the Client within thirty (30) days of the invoice date. Consultant reserves the right to charge a 1.8% per month service charge, up to the maximum allowed by law, on any unpaid balance 30 days after date of invoice. The client shall pay any and all collection costs, including any legal fees and costs, plus appellate fees, incurred by Consultant in connection with collection of the account. A signed consulting agreement is required prior to commencing any activity. Final reports will be shipped via U.S. Express Mail, U.S. Priority Mail, or UPS.

These terms and conditions were derived from forms copyrighted by the National Academy of Forensic Engineers.



**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **JOHNSON & PHAM LLP**, located at 6355 Topanga Canyon Boulevard, Suite 115, Woodland Hills, California 91367. On December 16, 2008, I served the herein described document(s):

**DEFENDANT ALLIANCE BEARING INDUSTRIES, INC.'S INITIAL DISCLOSURE OF EXPERT WITNESS INFORMATION**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

X by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

CM/ECF - by electronically transmitting the document(s) listed above to

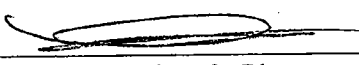
by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

J. Andrew Coombs  
Annie Wang  
J. Andrew Coombs, A.P.C.  
517 East Wilson Avenue, Suite 202  
Glendale, California 91206

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 15, 2008, at Woodland Hills, California.

  
Christopher Q. Pham

# **EXHIBIT B**

1 CHRISTOPHER D. JOHNSON, SBN. 222698  
2 CHRISTOPHER Q. PHAM, SBN. 206697  
3 **JOHNSON & PHAM, LLP**  
4 633 Topanga Canyon Boulevard, Suite 115  
5 Woodland Hills, California 91367  
6 Telephone: (818) 888-7540  
7 Facsimile: (818) 888-7544  
8 Email: cpham@johnsonpham.com

9 Attorneys for Defendants  
10 ALLIANCE BEARING INDUSTRIES, INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 SKF USA, Inc.,

14 Plaintiff,

15 vs.

16 ALLIANCE BEARING  
17 INDUSTRIES, INC., and Does 1-10,  
18 inclusive,

19 Defendants.

CASE NO. CV08- 04129 SVW (FFMx)

**EXPERT REPORT OF EMANUEL  
BRANZAI**

**EXPERT REPORT OF EMANUEL BRANZAI**

1. I am the Engineering Manager of Timken – Bearing Inspection (Bii). I have over 12 Years with rolling element bearing reverse engineering for Federal Aviation Administration (FAA) Part Manufacturer Approval (PMA) process. Performed data collection and produced over 50 bearing specification drawings and complete conformity tests for FAA approval; Eighteen years with developing specifications and procedures addressing quality control, testing (dimensional, geometrical, finish, fit-up, hardness, etc.), material, manufacturing, heat treating, non-destructive testing, cleaning, lubrication/preservation, marking, and packaging. Fifteen Years with “Bearing Failure Analysis” for aerospace and general industry bearings, Forensic Investigation, and Expert Witness for legal litigations. Eighteen years with special bearing dimensional and geometrical measurements for establishing bearing quality and

1 performance. I provided bearing users and distributors with data and bearing evaluation for  
 2 supplier qualification, first article inspection, and general engineering recommendations for  
 3 bearing use in industrial and aerospace applications. I have authored technical publications,  
 4 conducted training sessions, failure/condition analyses, and provided technical  
 5 recommendations on the selection, application, and performance of rolling element bearings  
 6 including ball and roller bearings, taper roller bearings, and spherical roller bearings. I am  
 7 knowledgeable regarding the specifications, manufacturing standards & procedures, and  
 8 general characteristics of bearings. A copy of my curriculum vitae is attached as Exhibit A to  
 9 this report, which accurately outlines my education, professional experience, affiliations,  
 10 publications and matters in which I have contributed to bearing testing and evaluation.

- 11 2. I am submitting this expert report in the case in which SKF has alleged trademark  
 12 infringement against Alliance Bearing Industries, Inc. ("Alliance") with respect to the sale of  
 13 purported SKF product which was determined to be counterfeited by Daniel R. Snyder, P.E.  
 14 with SKF.
- 15 3. Even though at the present time I am a Timken – Bearing Inspection (Bii) associate I  
 16 conducted this analysis in my own "personal capacity". Any findings and or conclusions in  
 17 this report shall not be in any way associated with Bii or Timken but only with my own. For  
 18 this analysis I'm being compensated for my services by Alliance Bearing Industries, Inc.
- 19 4. I had conducted an analysis to determine the authenticity of the Infringing Products based on  
 20 the evidence provided to me, i.e. the "Expert Report of Daniel R. Snyder, P.E.".
- 21 5. Based on my personal knowledge, my research, and discussions with people in the business  
 22 of using and distributing rolling element bearings, there are no "special instructions" or  
 23 "guide lines" provided by any bearing manufacturer like Timken, SKF, INA/FAG, NSK,  
 24 NTN, SNFA, etc. made available to distinguish between a genuine and a counterfeited  
 25 bearing. The only bearing manufacturer that offers "Counterfeit Bearing Identification  
 26 Service" is ZKL, Czech Republic, see exhibit C. The program was introduced in 2004 and  
 27 allows anyone with suspect ZKL – marked bearings to send a sample directly to the company  
 28 for authentication. Based on the sample provided, if the bearing is found to be counterfeited,

1 ZKL will identify the nonconforming specifications and notify the customer how those  
 2 variations will affect its use and performance. The ZKL identification service appears to have  
 3 been discontinued, see exhibit C.

4 6. SKF Explorer bearings. Based on my research the "SKF Explorer" series chronology is as  
 5 follows: (see exhibits D, E, and F)

6 6.1. Spherical Roller Bearings, introduced in 1999.

7 6.2. Angular Contact Ball Bearings, launched May 2002.

8 6.3. Cylindrical Roller Bearings, December 2002.

9 6.4. Taper Roller Bearings, after December 2002.

10 6.5. Deep Groove Ball Bearings, after December 2002.

11 6.6. Four-Point Contact Ball Bearings, after December 2002.

12 SKF claims that the Explorer bearings are a new performance class of rolling element  
 13 bearings, which provide a substantial improvement in key operational parameters relevant to the  
 14 bearing types and its typical application. SKF Explorer bearing life is calculated with modified  
 15 factors, which takes key operational parameters into account. SKF Explorer bearings are fully  
 16 interchangeable with previously specified SKF standard bearings of the same type and size.

17 6.7. SKF Explorer bearings offer allegedly new performance class of rolling element  
 18 bearings: (see exhibits E, and F)

19 6.7.1. Improved Service Life, Load-Carrying Capacity, Friction, Noise and Vibration,  
 20 Wear Resistance, and Speed Capabilities.

21 6.7.2. Bearing Life 300% longer than that of standard bearings.

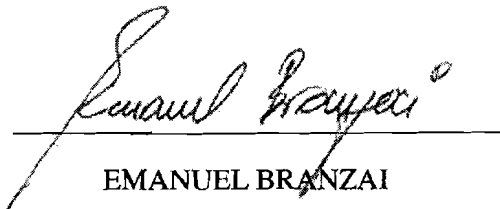
22 6.8. The Explorer Taper Roller Bearings history: (see exhibit G)

23 6.8.1. SKF Explorer Taper Roller bearings incorporate allegedly TQ lines ability to  
 24 counteract difficult operational conditions, eliminate frequent failure modes, and  
 25 reduce noise and vibrations. The SKF Explorer Taper Roller Bearings offer  
 26 allegedly improved bearing steel, improved manufacturing processes targeting  
 27 near zero defects, optimized surface topography, and improved working contact  
 28 surfaces.

1 SKF states that it has the experimental data to prove their claims. Based on my  
2 personal knowledge the data is not made available for evaluation.  
3

4  
5 DATE:

Jan 12, 2009

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EMANUEL BRANZAI

J. Andrew Coombs (SBN 123881)  
*andy@coombsp.com*  
Annie S. Wang (SBN 243027)  
*annie@coombsp.com*  
J. Andrew Coombs, A Prof. Corp.  
517 E. Wilson Ave., Suite 202  
Glendale, California 91206  
Telephone: (818) 500-3200  
Facsimile: (818) 500-3201

Attorneys for Plaintiff SKF USA Inc.

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SKF USA Inc.,

Plaintiff,

v.

Alliance Bearing Industries, Inc. and  
Does 1 – 10, inclusive,

Defendants.

Case No. CV 08-4129 SVW (FFMx)

OBJECTIONS TO  
DECLARATIONS AND  
EXHIBITS SUBMITTED IN  
SUPPORT OF DEFENDANT'S  
OPPOSITION TO MOTION FOR  
PRELIMINARY INJUNCTION

Court: Hon. Stephen V. Wilson  
Date: January 26, 2009  
Time: 1:30 p.m.

TO DEFENDANT AND ITS COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff SKF USA Inc. ("Plaintiff" or  
"SKF") submits the following objections to the declarations and exhibits submitted  
by Defendant Alliance Bearing Industries, Inc. ("Defendant") in support of its  
Opposition to Plaintiff's Motion for Preliminary Injunction as set forth below:

**1. DECLARATION OF JEFFREY HELLER IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Plaintiff objects to the following passages on the grounds that they lack  
foundation and constitute inadmissible legal and factual conclusion testimony:

- Page 14, paras. 4-6 as the testimony lacks foundation insofar as it fails  
to explain declarant's responsibilities with Alliance or the period of time

during which he had such responsibilities and constitutes an inadmissible conclusion or expert opinion;

- Page 15, para.7 as irrelevant;
- Page 15, paras.8-9 as the testimony lacks foundation insofar as there is no basis for the declarant to testify concerning SKF's product line, importation or any comparison between Alliance product or business practices and those of SKF and constitutes inadmissible conclusion and expert opinion;
- Page 15, paras. 10-11 as the testimony lacks foundation insofar as it fails to explain declarant's responsibilities with Alliance or the period of time during which he had such responsibilities and constitutes an inadmissible conclusion or expert opinion.

## **2. DECLARATION OF CHRISTOPHER Q. PHAM IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff objects to p. 17, ¶ 2, on the grounds that it lacks foundation and that the "Expert Report of Emanuel Branzai" was not timely produced in accordance with Rule 26 and the Parties' stipulated agreement as to the disclosure of expert witnesses. Alliance's first production of the purported Expert Report was as a link to the Court's electronic notice of Defendant's Opposition.

## **3. EXPERT REPORT OF EMANUEL BRANZAI IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION ("BRANZAI REPORT")**

Plaintiff further objects to the Branzai Report as it references Exhibits A, C-G (there appeared to be no Exhibit B referenced) but there were no exhibits attached to the Branzai Report or Defendant's filed Opposition papers. To date, SKF has not received the referenced exhibits from Defendant.

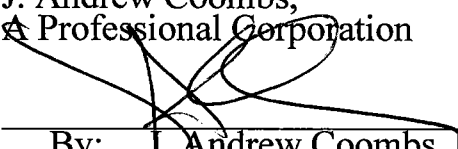


1 Plaintiff further objects to the Branzai Report in its entirety as it does not  
2 purport to make any expert conclusions or findings as is related to this lawsuit, and is  
3 thus, irrelevant.

4 SKF particularly objects to p. 2:21-28, 3:1-28, and 4:1-2, ¶¶ 5-6, on the  
5 grounds of irrelevance and that the statements lack foundation and with respect to  
6 documentary evidence referenced, the documents themselves are the best evidence  
7 and should have been produced.

8  
9 Dated: January 20, 2009

J. Andrew Coombs,  
A Professional Corporation

10  
11 By:   
12 J. Andrew Coombs  
Annie S. Wang  
13 Attorneys for Plaintiff SKF USA Inc.  
14  
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# **EXHIBIT C**

1 CHRISTOPHER D. JOHNSON, SBN. 222698  
2 CHRISTOPHER Q. PHAM, SBN. 206697  
3 **JOHNSON & PHAM, LLP**  
4 633 Topanga Canyon Boulevard, Suite 115  
5 Woodland Hills, California 91367  
6 Telephone: (818) 888-7540  
7 Facsimile: (818) 888-7544  
8 Email: cpham@johnsonpham.com

9 Attorneys for Defendants  
10 ALLIANCE BEARING INDUSTRIES, INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 SKF USA, Inc.,

14 Plaintiff,

15 vs.

16 ALLIANCE BEARING  
17 INDUSTRIES, INC., and Does 1-10,  
18 inclusive,

19 Defendants.

CASE NO. CV08- 04129 SVW (FFMx)

**AMENDED EXPERT REPORT OF  
EMANUEL BRANZAI**

**EXPERT REPORT OF EMANUEL BRANZAI**

1. I am the Engineering Manager of Timken – Bearing Inspection (Bii). I have over 12 Years with rolling element bearing reverse engineering for Federal Aviation Administration (FAA) Part Manufacturer Approval (PMA) process. Performed data collection and produced over 50 bearing specification drawings and complete conformity tests for FAA approval; Eighteen years with developing specifications and procedures addressing quality control. testing (dimensional, geometrical, finish, fit-up, hardness, etc.). material, manufacturing, heat treating, non-destructive testing, cleaning, lubrication/preservation, marking, and packaging. Fifteen Years with “Bearing Failure Analysis” for aerospace and general industry bearings. Forensic Investigation, and Expert Witness for legal litigations. Eighteen years with special bearing dimensional and geometrical measurements for establishing bearing quality and

1 performance. I provided bearing users and distributors with data and bearing evaluation for  
 2 supplier qualification, first article inspection, and general engineering recommendations for  
 3 bearing use in industrial and aerospace applications. I have authored technical publications,  
 4 conducted training sessions, failure/condition analyses, and provided technical  
 5 recommendations on the selection, application, and performance of rolling element bearings  
 6 including ball and roller bearings, taper roller bearings, and spherical roller bearings. I am  
 7 knowledgeable regarding the specifications, manufacturing standards & procedures, and  
 8 general characteristics of bearings. A copy of my curriculum vitae is attached as Exhibit A to  
 9 this report, which accurately outlines my education, professional experience, affiliations,  
 10 publications and matters in which I have contributed to bearing testing and evaluation.

- 11 2. I am submitting this expert report in the case in which SKF has alleged trademark  
 12 infringement against Alliance Bearing Industries, Inc. ("Alliance") with respect to the sale of  
 13 purported SKF product which was determined to be counterfeited by Daniel R. Snyder, P.E.  
 14 with SKF.
- 15 3. Even though at the present time I am a Timken – Bearing Inspection (Bii) associate I  
 16 conducted this analysis in my own "personal capacity". Any findings and or conclusions in  
 17 this report shall not be in any way associated with Bii or Timken but only with my own. For  
 18 this analysis I'm being compensated for my services by Alliance Bearing Industries, Inc.
- 19 4. I had conducted an analysis to determine the authenticity of the Infringing Products based on  
 20 the evidence provided to me, i.e. the "Expert Report of Daniel R. Snyder, P.E.".
- 21 5. Based on my personal knowledge, my research, and discussions with people in the business  
 22 of using and distributing rolling element bearings, there are no "special instructions" or  
 23 "guide lines" provided by any bearing manufacturer like Timken, SKF, INA/FAG, NSK,  
 24 NTN, SNFA, etc. made available to distinguish between a genuine and a counterfeited  
 25 bearing. The only bearing manufacturer that offers "Counterfeit Bearing Identification  
 26 Service" is ZKL, Czech Republic, see exhibit C. The program was introduced in 2004 and  
 27 allows anyone with suspect ZKL – marked bearings to send a sample directly to the company  
 28 for authentication. Based on the sample provided, if the bearing is found to be counterfeited,

1 ZKL will identify the nonconforming specifications and notify the customer how those  
2 variations will affect its use and performance. The ZKL identification service appears to have  
3 been discontinued, see exhibit C.

4 6. SKF Explorer bearings. Based on my research the "SKF Explorer" series chronology is as  
5 follows: (see exhibits D, E, and F)

6 6.1. Spherical Roller Bearings, introduced in 1999.

7 6.2. Angular Contact Ball Bearings, launched May 2002.

8 6.3. Cylindrical Roller Bearings, December 2002.

9 6.4. Taper Roller Bearings, after December 2002.

10 6.5. Deep Groove Ball Bearings, after December 2002.

11 6.6. Four-Point Contact Ball Bearings, after December 2002.

12 SKF claims that the Explorer bearings are a new performance class of rolling element  
13 bearings, which provide a substantial improvement in key operational parameters relevant to the  
14 bearing types and its typical application. SKF Explorer bearing life is calculated with modified  
15 factors, which takes key operational parameters into account. SKF Explorer bearings are fully  
16 interchangeable with previously specified SKF standard bearings of the same type and size.

17 6.7. SKF Explorer bearings offer allegedly new performance class of rolling element  
18 bearings: (see exhibits E, and F)

19 6.7.1. Improved Service Life, Load-Carrying Capacity, Friction, Noise and Vibration.  
20 Wear Resistance. and Speed Capabilities.

21 6.7.2. Bearing Life 300% longer than that of standard bearings.

22 6.8. The Explorer Taper Roller Bearings history: (see exhibit G)

23 6.8.1. SKF Explorer Taper Roller bearings incorporate allegedly TQ lines ability to  
24 counteract difficult operational conditions, eliminate frequent failure modes, and  
25 reduce noise and vibrations. The SKF Explorer Taper Roller Bearings offer  
26 allegedly improved bearing steel, improved manufacturing processes targeting  
27 near zero defects, optimized surface topography, and improved working contact  
28 surfaces.

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SKF states that it has the experimental data to prove their claims. Based on my personal knowledge the data is not made available for evaluation.

DATE:

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EMANUEL BRANZAI

# Exhibit A

## **CURRICULUM VITAE**

Emanuel V. Branzai

### **Professional Experience:**

- 12 Years with rolling element bearing reverse engineering for Federal Aviation Administration (FAA) Part Manufacturer Approval (PMA) process. Performed data collection and produced over 50 bearing specification drawings and complete conformity tests for FAA approval.
- 18 Years with developing specifications and procedures addressing quality control, testing (dimensional, geometrical, finish, fit-up, hardness, etc.), material, manufacturing, heat treating, non-destructive testing, cleaning, lubrication/preservation, marking, and packaging. Among them, an Engineering Standard Specifications for ball and roller bearings and a written material for a teaching class for bearing continue time inspection (Level I Repair) for rolling element bearings used in aerospace applications.
- 15 Years with "Bearing Failure Analysis" for aerospace and general industry bearings. Forensic Investigation, and Expert Witness for legal litigations.
- 18 Years with special bearing dimensional and geometrical measurements for establishing bearing quality and performance.
- 11 Years with FAA Designated Engineering Representative (DER) repair packages for aircraft bearing refurbishment/overhaul.
- 16 Years with developing the roller and cages reverse engineering and designs used for aircraft bearing overhaul process.
- 21 Years with bearing refurbishment/overhaul.

### **Publications:**

- "EFFECT OF ROLLING BEARING REFURBISHMENT AND RESTORATION ON BEARING LIFE AND RELIABILITY", a NASA and STLE Technical Paper coauthored with Erwin V. Zaretsky with National Aeronautics and Space Administration (NASA), Glenn Research Center. NASA/TM-2550-212966; STLE Tribology Transactions, 48:32-44. 2005, ISSN 0569-8197.
- "MODEL SPECIFICATION FOR REWORK OF AIRCRAFT ENGINE, POWER TRANSMISSION, AND ACCESSORY/AUXILIARY BALL AND ROLLER BEARINGS" a NASA Technical Paper coauthored with Erwin V. Zaretsky, with NASA, Glenn Research Center: NASA/TP-2007-214463.

### **Professional Societies:**

- STLE – Society of Tribology and Lubrication Engineering: Member.
- ASTM – American Society for Testing and Materials: Active Member of Rolling Element Bearings - F34 Technical Committee.
- SAE – Society of Automotive Engineers. Member.
- SPE – Society of Precision Engineering. Member.



Emanuel Branzai CV

2 of 3

15 December 2008

**Special Training Courses:**

UNIVERSITY OF WISCONSIN-MILWAUKEE -Rolling Element Bearing Technology –  
Theory and Practice, 1995.

CAL STATE UNIVERSITY OF FULLERTON – Finite Element Analysis, Model Analysis,  
1999

NATIONAL INSTRUMENTS – LabVIEW Advanced Certificate of Training, 1996 (Data  
Acquisition Program Language).

**Education:**

PLYTECHNIC INSTITUTE. Bucharest – Romania.

Bachelor of Science in Electrical Engineering, June 1976.

**Experience:**

1995 To Present

BRANZAI & ASSOCIATES –Engineering Consulting.

5457 Mead Drive

Buena Park, CA 90621

Ball and roller bearing (including double-row spherical roller) reverse engineering for FAA PMA  
(Part Manufacturing Approval) Design.

Performing bearing condition/failure analysis for aircraft (engines, frame, and instrument ball and  
roller bearings) and general industry bearings (air conditioning compressor, electric motors,  
pumps, variable frequency electric motors, automobile, human implantable artificial hart, etc.).  
Also. performed Forensic Investigation and acted as an Expert Witness for legal litigations.

September 1986 to Present

**TIMKEN - BEARING INSPECTION** – Engineering Manager.

4422 Corporate Center Drive

Los Alamitos, CA 90720

Work includes:

- Managing engineering activities for developing FAA-DER (Federal Aviation Administration - Designated Engineering Representative) repair packages for aircraft engine bearings (main line, accessory, instrument, and airframe). Developed the documents needed for FAA approval: Engineering Standard Specification, Standard Practice Manual, and Procedures Manual.
- Design and Set-up bearing continued time inspection (Level I Repair) facility: specific and detailed bearing inspection procedures and criteria, equipment layout, mechanical, electrical, safety and environmental related issues (production flow and floor plan with equipment positioning and power requirements for manufacturing facilities). Developed a training manual for continue time inspection and lecture two-day training classes.
- Technical customer service support for bearing inspection and overhaul. Responsible for special engineering jobs designed to attest bearing quality according to ABMA (American Bearing Manufacturers Association) requirements. Improved design and provide training for the use of the BA-96-1 Bearing Analyzer, an important equipment used for

measurement of "Structure Born Vibration" (Noise) produced by an individual (not installed) bearing.

- Managing activities of four engineers, two technicians, and two machine shop professionals. Coordinating the production needs for tool design and special engineering jobs. Direct contribution for design of tools and fixtures needed in production and jigs and stands for special engineering jobs related to bearing testing including bearing life testing.
- Design and manufacturing coordination for special gauges (e.g. Radial Play, Axial Play, Contact Angle, Flushness) and gigs and fixtures for bearing raceways honing and bearing visual, dimensional, an fit-up inspection.

## **Branzai & Associates**

**ENGINEERING CONSULTING**

5457 Mead Drive • Buena Park, CA 90621 • TEL/FAX (714) 670-7298 • Cellular (714) 290-2706

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### **CHARGES, LIABILITY, AND TERMS AND CONDITION**

#### **CHARGES**

Client agrees to pay Consultant Emanuel V. Branzai at the rate of \$200 per hour portal-to-portal for all work performed except deposition and trial, which shall be billed at the rate of \$225 per hour portal-to-portal. Rates are subject to change on a calendar year basis without other notice. The following additional expenses will also be billed. The Client is responsible for paying all fees of the Consultant related to the engagement. This shall include activities in response to discovery efforts by other parties. Consultant reserves the right to bill lost or wasted time in the event of a cancellation, whether the cancellation is caused by the Client or the opposing side.

#### **TRAVEL EXPENSES**

Additional expenses are billed for travel, laboratory testing, etc. Travel by car is billed at \$0.41 per mile in addition to driving time. Other expenses such as airfare, lodging, and car rental are to be reimbursed at cost plus 15 percent. Trips requiring overnight stays will be billed for time spent on the case between 8:00 AM and 5:00 PM or such greater time as is actually worked and traveled.

#### **EVIDENCE STORAGE**

Evidence storage is billed at \$11.00 per cubic foot per month with a 1.5 cubic foot minimum and a \$200 per month maximum.

#### **LIABILITY**

The Client shall defend, indemnify and hold harmless the Consultant, its agents, employees and subconsultants from and against any and all liability, including but not limited to defense costs, resulting from injury to or death of any person or damage to any property including but not limited to, loss of use thereof, or any other damages or loss, arising out of or alleged to arise out of or in any way connected with the activities carried out pursuant to this contract excepting only such claims or losses arising out of the sole negligence or willful misconduct of the party seeking indemnification hereunder. The Client shall, upon the Consultant's request, defend any action, claim, suit, arbitration or other proceeding asserting a claim covered by this indemnity. Client shall pay all costs that may be incurred by the Consultant, its agent, employees and subconsultants in enforcing this indemnity including reasonable attorney's fees.

#### **TERMS AND CONDITIONS**

Payment is due from the Client within thirty (30) days of the invoice date. Consultant reserves the right to charge a 1.8% per month service charge, up to the maximum allowed by law, on any unpaid balance 30 days after date of invoice. The client shall pay any and all collection costs, including any legal fees and costs, plus appellate fees, incurred by Consultant in connection with collection of the account. A signed consulting agreement is required prior to commencing any activity. Final reports will be shipped via U.S. Express Mail, U.S. Priority Mail, or UPS.

These terms and conditions were derived from forms copyrighted by the National Academy of Forensic Engineers.

# Exhibit B

**ZKL Offers Counterfeit Bearing Identification Service**

**12/26/2008**

The eBearing News  
March 17, 2004

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**ZKL Offers Counterfeit Bearing Identification Service  
copyright © 2004 eBearing Inc.**

ZKL Klasterec spol. s.r.o. (Czech Republic, a division of HTC Holding) is now offering to identify counterfeit bearings for distributors and customers.

While many distributors and installers around the world believe they are only at risk of buying counterfeit SKF, Timken, INA or FAG branded bearings, in fact ZKL is working hard to create awareness for its brand in all parts of the world.

The majority of the problem with counterfeit ZKL bearings, especially in South America and India, stems from ZKL's cloudy ownership past as part of the Czech state-run military-industrial complex. In a 2002 privatization sale, the ZKL plant in Klasterec nad Ohri and the ZKL trademarks were acquired by what is now ZKL Klasterec spol s.r.o., a division of HTC Holding.

However, because more than twenty bearing factories across the former Soviet Union had been licensed to produce ZKL brand bearings at one time or another -- some agreements continue today -- there is continuing market and buyer confusion as to what is and is not a currently-licensed ZKL brand bearing. Many factories with lapsed and rescinded licenses, said ZKL, have continued to manufacture poor quality ZKL branded bearings for sale in far-flung export markets.

ZKL's program allows anyone with suspect ZKL-marked bearings to send a sample directly to the company for authentication.

Based on the sample provided, if it is counterfeit, ZKL will identify the nonconforming specifications and notify the customer how those variations will affect its use and performance.

ZKL's contact information for this program:


ZKL Klasterec spol. s.r.o.  
Usek rizenj jakosti  
Nadrazni 214  
Klasterec nad Ohri  
431 51  
Czech Republic

or send an email to: [jbednar@zklas.cz](mailto:jbednar@zklas.cz)

Exhibit C, Page 34

**ZKL Offers Counterfeit Bearing Identification Service**

**12/26/2008**

 printer-friendly version


 email this page


Exhibit C Page 35

# Exhibit C

EB

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**From:** Mail Administrator [Postmaster@mail.rr.com]  
**Sent:** Friday, January 02, 2009 4:32 PM  
**To:** ebranzai@roadrunner.com  
**Subject:** Mail System Error - Returned Mail  
**Attachments:** details.txt; ZKL Counterfeited Bearings (4.57 KB)

  
details.txt (464 B) ZKL Counterfeited  
Bearings (4....

This Message was undeliverable due to the following reason:

Each of the following recipients was rejected by a remote mail server.  
The reasons given by the server are included to help you determine why each recipient was rejected.

Recipient: <jbednar@zklas.cz>  
Reason: 5.1.1 <jbednar@zklas.cz>... User unknown

The following websites may contain more information to assist you:

<http://help.rr.com/HMSLogic/rrmail.aspx>

<http://security.rr.com/help.htm>

<http://security.rr.com/contact.htm>

Please do not reply to this message, as it will go to an unread mailbox

*Exhibit C Page 1*



# Exhibit D



## Press release

### **SKF Explorer cylindrical roller bearings; the latest addition to SKF's high performance class of bearings.**

SKF is now launching its cylindrical roller bearings with the SKF Explorer class. SKF Explorer bearings set a new standard in terms of life and performance, giving an average of 3 times longer service life compared to conventional bearing designs.

The SKF Explorer class of bearings was introduced by SKF in 1999 when it launched the spherical roller bearing version. SKF Explorer angular contact ball bearings were launched in May 2002, and now SKF Explorer cylindrical roller bearings have been added to this high performance family of products.

Cylindrical roller bearings are very often the best choice for applications where very high radial loads and high speeds must be accommodated and minimum friction losses must be ensured.

SKF Explorer bearings open up new possibilities for customers in their applications; downsizing, improved reliability and productivity, and wider scope for new ideas in machine design. They can also be installed to replace bearings in existing machinery to allow an increase in performance or an extension of service life.

Göteborg, December 3, 2002  
Aktiebolaget SKF  
(publ.)

For further information, please contact:

Lars G Malmer, SKF Group Communication, tel. +46 (0)31 337 1541, e-mail: [Lars.G.Malmer@skf.com](mailto:Lars.G.Malmer@skf.com)  
Colin Roberts, Group Technical Press, tel. +31-306075608, e-mail: [colin.roberts@skf.com](mailto:colin.roberts@skf.com)

Aktiebolaget SKF, SE-415 50 Göteborg, Sweden, tel. +46 (0)31 337 1000, fax +46 (0)31 337 2832, [www.skf.com](http://www.skf.com)

Exhibit C, Page 39

# Exhibit E

**SKF Explorer bearings – the new performance class from SKF**

SKF Explorer is a new performance class of rolling bearings, of the types deep groove ball bearings, angular contact ball bearings, cylindrical roller bearings, tapered roller bearings, spherical roller bearings, CARB toroidal roller bearings and spherical roller thrust bearings, which provide a substantial improvement in key operational parameters relevant to the bearing type and its typical applications. This new level of superior performance represents the blending of SKF's applications knowledge with its expertise in tribology, materials development, design optimization and manufacturing.

Using advanced analytical and modelling techniques and supporting testing, SKF engineers were able to confirm that SKF Explorer bearings provide a significant improvement in key operational parameters. These parameters, according to bearing type and application, include noise, vibration, service life, dimensional stability, dynamic load carrying ability and heat generation (frictional moment). Because these parameters are not adequately factored into standardized life calculations, SKF Explorer bearing life is calculated with modified factors, which takes key operational parameters into account.

SKF Explorer bearings are fully interchangeable with previously specified SKF standard bearings of the same type and size. These bearings are included in the relevant product tables and are easily identified by an asterisk (\*) after the bearing designation.

**The making of an SKF Explorer bearing**

Achieving the outstanding levels of SKF Explorer bearings has only been possible due to the basic sound engineering design of SKF products and by further improving the manufacturing of bearings to these designs. By studying the interrelationship between each bearing component, SKF engineers were able to maximize the effects of lubrication and minimize the effects of friction, wear and contamination. To do this, an international research team looked at each component at micro level and then developed new procedures to consistently manufacture this new standard of excellence.

SKF Explorer bearings are characterized by a number of technical improvements, some of which are listed below. Depending on the type of the SKF Explorer bearing one or several of these below given examples have been applied:

**Improved bearing steel**

SKF Explorer bearings feature an extremely clean and homogenous steel with a minimum number of inclusions. This improved steel is so much cleaner than the highest grades covered by present classification methods that SKF has developed new calculation methods to take this factor into account.

**The unique SKF heat treatment procedures**

To maximize the benefits of SKF's ultra-clean steel, engineers incorporated unique heat treatment procedures. These new procedures optimize the bearing's resistance to operational damage without affecting heat stabilization. Wear resistance was improved so dramatically that SKF engineers were not able to accurately predict life expectancy using existing life factors for calculation methods.

**Improved surface finish**

The surface finish on all contact surfaces (rolling elements and raceways) has been improved to maximize the effects of the lubricant and reduce vibration and noise levels. This has led to a smoother, cooler running bearing that uses less lubricant and consequently the arrangement, including the seals, requires less maintenance.

Exhibit C Page 1

# Exhibit F

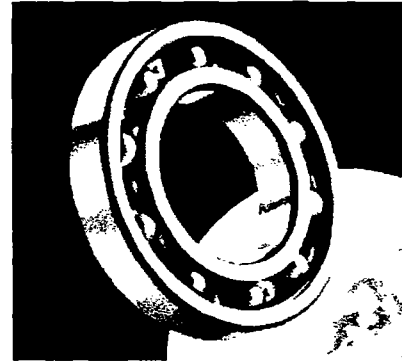
SKF

Page 1 of 2

**PlantServices.com**

## SKF bearings promise longer service life

SKF® Explorer bearings introduce a new performance class of rolling bearings benefiting from advanced design, material, and manufacturing-process innovations. This next generation of bearings has been engineered to exceed performance normally expected with bearings designed to ISO tolerance specifications. Depending on bearing type, dramatic improvements in service life, load-carrying capacity, friction, noise and vibration, wear resistance, and speed capabilities can be realized.



Category:

Product Type:

Manufacturer:

Extensive SKF testing has documented that Explorer bearings can last in applications up to 300% longer than standard bearing products.

Types include spherical roller bearings, angular contact ball bearings, cylindrical roller bearings, spherical roller thrust bearings, tapered roller bearings, deep groove ball bearings, and four-point contact ball bearings. All Explorer bearings are dimensionally interchangeable with standard products.

Some design features and benefits include ground transition raceways/shoulders to deliver higher thrust load capability, lower overall contact stresses, and reduced edge stresses for increased power density, load rating, and safety. Modified polyamide/brass cage geometry promotes higher speed ratings and acceleration, lower heat generation, and reduced vibration and noise.

Upgraded balls offer improved running accuracy and a unique heat-treating process minimizes dimensional changes. Their manufacture from steel with low oxygen content using state-of-the-art techniques serves to extend life and reduce fatigue failure by preventing formation of fatigue-causing oxide inclusions in the steel.

EX-100-1 Page 1

SKF

Page 2 of 2

Newly developed shields can prevent contamination, enhance grease retention, and minimize maintenance for increased machine uptime.

For more information, visit us online at:

## SKF USA

1510 Gehman Road

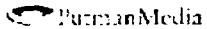
Kulpsville, PA 19443 ( )

Phone: (800) 440-4753

Fax: (215) 513-4736

email: [usa@skf.com](mailto:usa@skf.com)

Website: [www.skf.com](http://www.skf.com)



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P: 630-467-1300 | 555 West Pierce Rd., Suite 301, Itasca, IL 60143

# Exhibit G



## SKF Explorer taper roller bearings offer performance edge

**SKF Explorer taper roller bearings offer performance that opens up new options for machine design and problem solving.**

### TECHNOLOGY

SKF faces a dilemma with its Explorer taper roller bearings: The bearings are so much better than any other bearing that standardised life calculations cannot adequately predict life expectancy. This opens up a world of new options for design engineers and problem solving. Communicating such good news is an up-hill battle, however, as the customers must accept the message as true and reliable. In the past, only users who were particularly aware of performance understood the big performance differences between SKF Explorer taper roller bearings and competitive products.

Before SKF Explorer bearings were being tested, we knew that the improvements would result in a different performance class. The test results and customer experience confirmed those improvements to an extent that has been amazing for CARB® toroidal and spherical roller bearings, spherical roller thrust bearings, angular contact ball bearings, cylindrical roller bearings and now taper roller bearings and deep groove ball bearings. Depending on the application, these bearings have been shown to last up to several times longer than competitive products.

The difficulty for SKF has been in convincing customers that the superior performance of SKF Explorer products is real. The problem occurs when customers perform life calculations using standard ISO methods. The standard calculations, according to SKF engineers, will not take into account any of the improvements SKF has made to the bearings. Therefore, customers are being encouraged to use SKF's modified rating life formula and to take advantage of SKF's dynamic modelling service, so that they can see how this new quality of bearing will perform in a simulated "real life" environment. Of course, everyone agrees that there is no substitute for testing bearings in the field, but field tests can be expensive and time-consuming, and simulations can sometimes uncover other problems that might otherwise go unnoticed.

### SKF Explorer anatomy

The performance breakthrough of the SKF Explorer taper roller bearing represents years of intensive research by an international team of scientists, engineers and customers. By listening to customer needs, the SKF taper roller bearing team was able to work with other SKF researchers to find solutions for key customer performance parameters. Solutions required literally re-engineering components at the micro level and then developing new procedures to consistently manufacture this new standard of excellence.

This process is reflected in the improvements that were applied to the rolling contact surfaces. SKF engineers not only improved the design, but they were also able to develop manufacturing processes that would allow them to manufacture more consistently than ever, so that each taper roller bearing is almost an exact duplicate of the next. Keeping the spread of dimensions low is crucial for all adjustable bearings, as it determines the service life.

Many low-cost products display a large spread in dimensions and preload behaviour, which makes it difficult to predict actual performance in a particular application. To control the risks that jeopardise good operation would require that each product be tested thoroughly before being used in the application.

Exhibit 7 Page 1

In all, the improvements and the increased service life are worthy of the name SKF Explorer. For some applications such as pinions, hydraulic pumps and motors, industrial gearboxes and compressors, bearing performance is the key to the overall performance of the particular application. SKF has put considerable effort into the development of its taper roller bearing range to serve customers where the superior product performance of its taper roller bearings matches the requirements of the application. This is one reason why SKF is now one of the top suppliers for high-performance applications.

#### **Specific needs**

Each application places a different emphasis on the specific aspects that make up bearing performance. Consequently, SKF has based its developments of the taper roller bearings on customers' requirements in different applications. Through extensive interviews, those needs have been integrated as solutions into the bearing performance spectra. In particular they include:

SKF consequently has developed a range of bearing solutions to meet these different requirements.

#### **Forgiving bearings**

As a start, TQ line bearings were introduced some years ago – taper roller bearings designated with the suffix Q. This represented a significant step forward in taper roller bearing design and manufacturing. The TQ line offers customers taper roller bearings with greatly reduced friction, increased load-carrying capacity, more reliable bearing adjustment and a marked improvement in operational reliability.

What makes the TQ-line bearings particularly forgiving is their ability to accommodate critical operating conditions and environments that cause conventional bearings to fail. They can do this because the TQ design provides enhanced lubrication in the critical roller end/flange contacts.

SKF taper roller bearings are also more resistant to contaminated lubricants, due to the hardening processes used at manufacture. Further, the contact geometry has a logarithmic profile, which provides optimum and uniform stress distribution in the bearing. Another important aspect to this is the minimum dimensional spread, controlled by very small dimensional variations in roller diameter and the wall thickness of the rings.

For certain applications, the low noise and vibration level driven by the rollers and rings

Exhibit C Page 2

are important selection criteria.

This adds up to bearings that provide high operational reliability and are able to withstand the effects of extreme stresses such as misalignment, shocks and boundary lubrication conditions. Comparing SKF taper roller bearings with competitor bearings demonstrates their best-in-class performance.

#### **High preload capability**

A high preload capability, coupled with the controlled and small spread of initial preload loss, is a specific feature of SKF bearings. It prevents early bearing failures, helps control the preload setting and contributes to low and controlled friction during running-in. Plus, it means that the bearing will have a high probability of achieving the targeted preload during operation. A significant source of early failures is the wrong preload setting. This capability gives SKF and its customers a lead in achieving high service life in operation. What can be done with SKF taper roller bearings will frequently cause early failures with bearings of other brands.

This is the solution needed to achieve very stiff bearing assemblies and is designated CL7C in the suffix. The high specification design requires virtually no running in and is able to form a hydrodynamic lubricant film in the roller end/flange right from the start, so that the friction torque is low. The CL7C execution is typically used to achieve high stiffness in the total bearing/gear assembly such as in pinion head and gear meshes; its outstanding high preload capability and low spread and tolerance allow this.

#### **SKF Explorer taper roller bearings**

A recent general trend is that customers are looking for longer operational lives and longer maintenance intervals, and there is the trend towards zero defects.

Producing with a zero defect target also means products that consistently meet reliable, repetitive high production standards with a low spread of dimensions that eliminates outliers, thus reducing the risk of early failures that can adversely impact a customer's design. Regarding longer operational lives, traditionally, the bearing life has been reliably predicted by  $L_{10}$  calculations. Tests of the new SKF Explorer bearings show that these bearings can largely exceed traditional service life expectations, making it a very attractive bearing for selected target application areas.

Longer maintenance intervals are being frequently realised by using specially trimmed synthetic lubricants typically having a low viscosity.

The SKF Explorer taper roller bearing provides long service life under even more demanding conditions. It may be that the choice of a higher performance bearing, while initially requiring a greater outlay, can be cost-effective over the long term, particularly when total cost efficiency is taken into account. Generally, higher performance products offer savings during assembly, through the total service life of the equipment and help to avoid early failures that can be costly. Also, higher quality bearings give more options when designing, affording the opportunity, for example, to downsize or increase the power density.

SKF Explorer taper roller bearings are characterised by a number of technical improvements:

Exhibit C Page 3

This has resulted in a highly efficient bearing that has an increased load-carrying capacity, reduces friction and is able to handle extreme speeds. The SKF Explorer taper roller bearing incorporates the TQ line's ability to counteract difficult conditions, eliminates frequent failure modes, makes adjustment easier and reduces noise and vibration levels. It also offers reliable bearing adjustments, resulting in longer service life.

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by **Karl Steinbeck** SKF Automotive Division, Schweinfurt, Germany

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## Single row tapered roller bearings

The SKF standard range of single row tapered roller bearings (fig.) covers the popular sizes of metric bearings manufactured to ISO 355:1977 and inch bearings which follow the ANSI/ABMA standard 19.2-1994. The range can be divided into

- bearings for general use
- high-performance bearings manufactured to the CL7C specifications
- bearings with a flanged outer ring

as well as "Paired single row tapered roller bearings".

For bearing arrangements operating in particularly difficult environments, for example, where the lubricating oil may be highly contaminated, where high operating temperatures prevail or where heavy deforming loads can be expected, SKF can supply particularly wear-resistant tapered roller bearings. Details are available on request.

## Standard design

SKF tapered roller bearings for general use, including SKF bearings to Q specifications, have been optimized with regard to

- sliding contact surfaces of the guide flange of the inner ring
- roller end faces
- raceway contact profile.

In addition, highly accurate manufacturing processes make adjustment of the bearings against each other more reliable, which dramatically improves performance especially during the very first hours of operation.

## CL7C specification bearings

SKF tapered roller bearings produced to the CL7C specifications are intended for bearing arrangements supporting heavy axial loads, for example, gearbox pinion bearing arrangements. These bearings, which are mounted with preload, have special friction characteristics, higher running accuracy and higher axial load carrying capacity to provide a constant, accurate mesh.

In contrast to the bearings for general use, CL7C specification bearings can be adjusted to within narrow limits using the frictional torque method, which considerably simplifies the adjustment process.

With CL7C specification bearings there is practically no running-in wear. As a hydrodynamic lubricant film in the roller end/flange contacts is established from the outset, there is virtually no loss of preload and the preload can be maintained at a constant high level throughout operation.

## Bearings with flanged outer ring

Certain sizes of SKF single row tapered roller bearings are also available with a flange on the outer ring (fig). Bearings having this external flange can be axially located in the housing to provide a simplified, more compact bearing arrangement. The housing bore is simpler to produce, as no shoulders are required.



Product data

Tapered roller bearings  
**Single row tapered roller bearings**

SKF Explorer class bearings

Bearing designations

Dimensions

Tolerances

Internal clearance and preload

Adjustment and running-in

Misalignment

Cages

Minimum load

Equivalent dynamic bearing load

Equivalent static bearing load

Determination of axial forces

Supplementary designations

Design of bearing arrangements



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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is **JOHNSON & PHAM LLP**, located at 6355 Topanga Canyon Blvd, Suite 115 Woodland Hills, CA 91367. On February 23, 2009 I served the herein described document(s):

**DEFENDANT'S EXPERT REPORT**

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

CM/ECF - by electronically transmitting the document(s) listed above to


X by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

J. Andrew Coombs  
J. Andrew Coombs, A.P.C.  
517 E. Wilson Avenue, Suite 202  
Glendale, California 91206

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 23, 2009 at Los Angeles, California.

  
Vanessa Tello